

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 05-10286-PBS

**DOMINIC DIMODICA,
Plaintiff,**

v.

**ROBERT MURPHY, *et al.*,
Defendants.**

JOINT MOTION TO AMEND SCHEDULING ORDER

Plaintiff Dominic DiModica and Defendants Robert Murphy, Kathleen Dennehy, and the Massachusetts Department of Correction, respectfully request that the Court amend the Scheduling Order entered in this case on November 15, 2005. The parties request that the Court stay discovery and further action on this case until January, 2007.

As grounds for this motion, the parties state as follows:

1. At the time that the Court entered the scheduling order, the parties anticipated that the plaintiff would have the opportunity to obtain an evaluation by a neuropsychologist in sufficient time to permit the parties to explore resolution of this case and to complete discovery if the case could not be resolved informally. To that end, the Court awarded the plaintiff funds to pay for this evaluation.

2. Despite diligent efforts, the plaintiff's counsel has only recently been able to locate a neuropsychologist who is willing to undertake the evaluation. The parties anticipate that the evaluation will take place in early June, 2006. The parties hope that the evaluation will allow them the opportunity to explore resolution of this case short of engaging in discovery or, at a minimum, to streamline the claims at issue.

3. The plaintiff's counsel has been in frequent telephone contact with the plaintiff and believes that this motion will serve the plaintiff's interests in this case.

4. In addition, the defendants' counsel is expected to be on leave from approximately mid-June, 2006, until early January, 2007.

Respectfully submitted,

By the Plaintiff
Dominic DiModica

/s/ Jennifer A. Serafyn

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By the Defendants
Robert Murphy, Kathleen Dennehy, and
Massachusetts Department of Correction,

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